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Attorneys for Defendants Patrick Allen, Sajel Hathi, Dolores Matteucci, and Sara Walker

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF OREGON
 PORTLAND DIVISION

DISABILITY RIGHTS OREGON,
 METROPOLITAN PUBLIC DEFENDER
 SERVICES, INC., and A.J. MADISON,

Plaintiffs,

v.

SEJAL HATHI, in her official capacity as head of the Oregon Health Authority, and SARA WALKER in her official capacity as Interim Superintendent of the Oregon State Hospital,

Defendants.

Case No. 3:02-cv-00339-AN (Lead Case)
 Case No. 3:21-cv-01637-AN (Member Case)
 Case No. 6:22-CV-01460-AN (Member Case)

DECLARATION OF DAVID BADEN

JAROD BOWMAN, JOSHAWN DOUGLAS-SIMPSON,

Plaintiffs,

v.

SARA WALKER, Interim Superintendent of the Oregon State Hospital, in her official capacity, DOLORES MATTEUCCI, in her individual capacity, SEJAL HATHI, Director of the Oregon Health Authority, in her official capacity, and PATRICK ALLEN in his individual capacity,

Defendants.

LEGACY EMANUEL HOSPITAL & HEALTH CENTER d/b/a UNITY CENTER FOR BEHAVIORAL HEALTH; LEGACY HEALTH SYSTEM; PEACEHEALTH; and PROVIDENCE HEALTH & SERVICES OREGON,

Plaintiffs,

v.

SEJAL HATHI, in her official capacity as Director of Oregon Health Authority,

Defendant.

Case No. 3:21-cv-01637-AN (Member Case)

Case No. 6:22-CV-01460-AN (Member Case)

I, David Baden, declare:

1. Until June 4, 2025, I was the Acting Superintendent of the Oregon State Hospital (OSH). A new Acting Superintendent of OSH was appointed on that date. While I continue to support the new Acting Superintendent as he begins in this position, I have now returned to my previous position as Deputy Director for Policy and Programs am the Oregon Health Authority.

2. I make this declaration based upon a combination of personal knowledge and in reliance upon records which are regularly maintained in the ordinary course of business.

3. Both OHA and OSH are required to operate within established budgets and all funds in their budgets for the relevant biennium (2025-2027) are allotted to crucial programs and staffing.

4. OHA and OSH anticipate splitting the cost of the fines between their respective budgets.

5. There are no discretionary funds available to pay fines. If a stay of the Order imposing fines is not granted, irreparable harm will result. For example, just the fines for the period of June 7 through June 15 will amount to at least \$38,000, which if continued at that rate for a year, would amount to 17-20 Mental Health Therapy Technicians FTE positions at OSH.

6. After performing an analysis of where potential fine money would come from to minimize negative impacts, the following reductions in OSH's budgets are likely to occur:

- Reductions in OSH's training budget.
- OSH would likely not be able to fill mental health treatment technician and custodian positions at OSH, which would result in additional duties assigned to existing, already overworked staff, fewer patient/staff interactions, and potentially not be able to meet custodial service levels expected in CMS regulations.
- Reductions in OSH management staff with layoffs or partial reductions in FTE positions.
- Elimination of six administrator positions that oversee secure residential treatment facilities on OSH campuses.
- Removal of an IT position assigned to implement an upgrade to the hospital's Electronic Health Record System.
- Elimination of two Nurse Practitioner positions in the Psychiatry Department at OSH, which will put additional strain on existing staff and likely impact patient care.
- Elimination of the Person Directed Transition Team contractors who serve a vital role in finding placements for patients who are ready to discharge from OSH, which will place additional strain on OSH's Social Work Department to coordinate community placements.

7. As of June 18, 2025, the average wait time for admission to OSH following issuance of a .370 order is OSH is currently 7.6 days, with 23 persons on the admissions waitlist.

8. OSH Forensic Evaluation Services (FES) has made and will continue to make significant progress in completing ordered evaluations of aid and assist defendants in the community. FES has now hired and onboarded three new evaluators. As of 1/22/25, 267 defendants in community restoration were waiting for FES to complete court-ordered evaluations. As of 4/14/25, 150 defendants in community restoration were waiting for FES to complete court-ordered evaluations. As of 5/29/25, 63 defendants in community restoration were waiting for FES to complete court-ordered evaluations. As of 6/18/25, 90 defendants in community restoration were waiting for FES to complete court-ordered evaluations. The number grew because FES received a record number of orders (49) in May and another 28 in June to evaluate aid and assist defendants in the community. FES projects that it will be able to complete all currently ordered evaluations within four months.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on June 18, 2025.

s/ David Baden
DAVID BADEN